

REMARKS

OVERVIEW

Claims 1-4, 6-11, and 23-31 are pending in this application. Claims 23-31 are new. Claims 1, 3, 4 and 10 have been amended. The present response is an earnest effort to place the application in proper form for immediate allowance. Reconsideration is respectfully requested.

ISSUES UNDER 35 U.S.C. § 102

The Examiner has previously rejected claims 12 and 16 under 35 U.S.C. § 102(e) as being anticipated by U. S. Patent No. 5,893,075 to Plainfield. The Applicant has cancelled claims 12-22, thereby mooting these rejections.

ISSUES UNDER 35 U.S.C. § 103

The Examiner has rejected claims 1-6, 9, 18, 19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Matyas in view of Cadotte (Office Action, page 2, numbered paragraph 4).

U. S. Patent No. 6,102,287 to Matyas discloses an electronic payment system where a buyer purchases a product by sending an electronic payment order to a seller and an evaluator collects product survey information from buyers that have previously purchased products from the seller and provides product survey information to prospective buyers upon request (Abstract). This allows potential buyers to review survey results and thereby make a more informed decision about buying a product. Matyas is particularly directed towards the online buying of content or services and on line evaluation thereof (Col. 2, line 34-Col. 3, line 63).

U. S. Patent No. 4,345,315 to Cadotte discloses a customer satisfaction terminal (title). The terminal includes a keyboard and displays inquiries with multiple choice questions for collecting opinion data from customers (Abstract). The device anonymously collects data of customer satisfaction (Col. 2, lines 50-59).

Regarding claims 18, 19 and 22, these claims have been cancelled thereby mooted any rejections. In addition, claim 1 has been amended, and the Examiner should now find claims 1-6 and 9 allowable.

Matyas is non-analogous art as Matyas is not directed towards "evaluating customer service performance of a specific employee" as required by claim 1. Therefore, it is improper to rely upon the Matyas reference and these rejections should be withdrawn on that basis.

Further, claim 1 has been amended to require that the question is presented "at the point of transaction and the time of transaction." This further distinguishes claim 1 from that which is disclosed in Matyas. In Matyas, buyers are asked questions to evaluate a product after they have bought it (Abstract). In Matyas, "the buyer later provides survey information to the evaluator" (Col. 3, lines 29-30). As Matyas teaches presenting questions and obtaining responses later after the purchase, Matyas simply does not disclose the limitations of "at the point of transaction" or "at the time of transaction." In addition, as the Examiner has already determined, Matyas does not teach evaluating customer service performance (Office Action, page 2, numbered paragraph 4).

Further, Cadotte does not disclose the limitations of "at the point of transaction" and "at the time of transaction." Therefore, no combination of Matyas and Cadotte can teach each and every limitation of claim 1. Therefore, the Examiner should now find claim 1 allowable. As claims 2-4 and 6-11 depend from claim 1, the Examiner should now also find these claims allowable as well.

NEW CLAIMS

The Applicant has added new claims 23-31. The Applicant submits that these claims add no new matter and the Examiner should also find these claims allowable.

New claim 23 is directed towards a method of evaluating customer service. New claim 23 is similar to amended claim 1, however, does not require the step of "recording" and requires that the step of "evaluating" be "evaluating the response at the point of transaction and at the time of transaction." Therefore, the Applicant submits that the Examiner should now find claim 23 allowable on the same basis as amended claim 1.

Claim 23 has a further basis for allowability. The Examiner previously relied upon Cadotte in rejecting previous claim 1. In claim 23, the step of "presenting a questions" and the step of "obtaining a response" is performed "using an electronic payment device." The customer satisfaction terminal of Cadotte is simply not "an electronic payment device." Further, as the customer satisfaction terminal is not an electronic payment device, Cadotte cannot disclose the step of "presenting a question to a customer at the point of transaction and the time of transaction about the employee's performance." Since no combination of Matyas and Cadotte can teach each and every limitation of claim 23, the Examiner should find claim 23 allowable.

Claims 24-30 depends from claim 23, therefore, the Applicant submits that these claims should also be allowable. New claim 24 adds the step of "communicating an alert signal" that was present in cancelled claim 10. Claim 25 adds the step of "offering the customer a reward", that subject matter was present in claim 11. Similarly, claim 26 contains subject matter present in claim 6. The subject matter of claim 27 is supported by page 6 of the Specification, first full paragraph. The subject matter of claim 28 is disclosed in the Specification, page 8, second full paragraph. The step of storing claim 29 is disclosed at page 7 of the Specification, first full paragraph. The step of tying the employee's compensation to the response of claim 30 is disclosed in the Specification at page 11, second full paragraph. The Applicant submits that the Examiner should now find all of these new claims allowable as well.

New claim 31 is an independent claim for "a system for collecting customer feedback of an employee's performance at a point of transaction and at a time of transaction." The system requires that an "electronic payment device" be used to present a question and to obtain a response "at the time of transaction and at the point of transaction." As previously explained, the prior art does not disclose these limitations, and the Examiner should now find claim 31 allowable as well.

SUMMARY

Based upon the foregoing, the Applicant respectfully submits that all pending claims are in proper condition for allowance at this time as they are patentably distinguishable over the prior art. According, reconsideration of the application and immediate passage to issuance are respectfully submitted.

Enclosed is a check for \$460.00 to cover a three-month extension of time. No other fees or extensions of time are believed to be due in connection with this amendment. However, in the event that additional fees are required, any deficiencies should be charged to Deposit Account No. 26-0084.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

Respectfully submitted,



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- JDG/bja -



Application No. P03735US0

AMENDMENT — VERSION WITH MARKINGS
TO SHOW CHANGES MADE

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In the Claims

Kindly amend claims 1, 3, 4 and 10 as follows:

1. (Amended)

A method of evaluating customer service performance of a specific employee at a point of transaction and at a time of transaction, comprising:
presenting a question to a customer at the point of transaction and the time of transaction about
the employee's performance using an electronic payment device;
obtaining a response to the question from the customer at the point of transaction using the electronic payment device;
recording the customer's response;
evaluating the response.

3. (Amended)

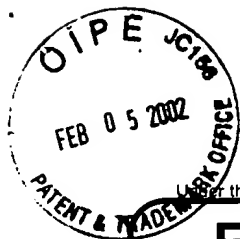
The method of evaluating customer service performance according to claim 1 wherein the question is presented to the customer on ~~the~~ a display of ~~an~~ the electronic payment device.

4. (Amended)

The method of evaluating customer service performance according to claim 1 wherein the question is presented on a monitor of the electronic payment device and the response is entered on a keyboard of the electronic payment device.

10. (Amended)

The method of evaluating customer service performance according to claim 1, further comprising:
communicating an alert signal when ~~a~~ the customer service response falls below a threshold.



PTO/SB/17 (11-01)
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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 460.00

Complete if Known

Application Number	
Filing Date	February 23, 1999
First Named Inventor	ANDERSON, NANCY L., et al.
Examiner Name	James Reagan
Group Art Unit	2163
Attorney Docket No.	P03735US0

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number: 26-0084
Deposit Account Name: McKee, Voorhees & Sease, P.L.C.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims			
Independent Claims			
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	460.00
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 460.00

SUBMITTED BY

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Signature	<i>Kirk M. Hartung</i>	Date	1-15-2002		

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